



Speech by

**Dr LESLEY CLARK**

**MEMBER FOR BARRON RIVER**

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Hansard 1 May 2003

### **LAND LEGISLATION AMENDMENT BILL**

**Dr LESLEY CLARK** (Barron River—ALP) (11.34 a.m.): It is with great pleasure that I rise to support the Land Legislation Amendment Bill 2003 because it brings to a successful conclusion a campaign spanning almost two decades to prevent mining of the magnificent white sand dunes of Shelburne Bay. As president of the Cairns branch of the Wildlife Preservation Society of Queensland during the 1980s, I was privileged to have had the opportunity to play a small part in that successful campaign, although the action in which I was personally involved related to mining leases at Shelburne other than those which are the subject of this bill.

The success of the campaign to protect some of the spectacular white sand dunes, lakes, forests and wetlands in the Shelburne Bay area from sandmining can be attributed to the dedication of conservationists such as Don Henry and Lynda Schneiders; the perseverance and courage of the traditional owners, the Wuthathi people, in particular the Pablo family; and the support of a number of eminent scientists such as Professor Henry Nix of the Australian National University and public servants such as Peter Stanton, who served with distinction in the Department of Environment in Cairns until his retirement some years ago.

I would like to place on record that it was Sandy Clagne, a member of the Cairns branch of WPSQ—now an employee of the EPA in Cairns—who saw an obscure advertisement in the *Cairns Post* in 1985 placed by an Australian-Japanese joint venture company called Shelburne Silica Pty Ltd, which had applied for a mining lease over two dune fields of pure silica sand covering an area of 765 square kilometres in order to export approximately 400,000 tonnes of silica annually to Japan from deepwater port facilities to be constructed on the site at Rodney Island. Sandy Clagne recognised the significance of this application and we immediately alerted Don Henry who was, at that time, the director of the WPSQ in Brisbane and who, as members would be aware, is now the director of the ACF.

The issue gained considerable publicity and the campaign to save Shelburne Bay was born. Don Henry flew to Thursday Island to give evidence at the Mining Wardens Court in support of objections from the WPSQ, the ACF and the Queensland Conservation Council. Alik Pablo also gave evidence on behalf of the Wuthathi people, as did scientists, economists and public servants, who all gave evidence as to why the mining lease should not be granted.

Despite an unprecedented decision by the Queensland Mining Wardens Court to recommend against the mining proposal in 1985, the Bjelke-Petersen government continued to strongly support the mining proposal and it was only ultimately thwarted in 1988 by a decision by the Hawke Commonwealth government not to allow the mine to proceed on the grounds that it was not in the nation's interest for Shelburne Bay's unique environment to be harmed. Despite the success of this campaign, the two remaining mining leases near White Point remained in existence—a sleeping time bomb only now finally defused by this legislation, which cancels mining lease Nos 5940 and 5941.

So why is Shelburne Bay so important to conservationists and traditional owners? Why has the government taken the unprecedented step of refusing to renew these two sandmining leases at Shelburne with no compensation to be provided for the owners? One of the many positives of the campaign in the mid-1980s was the development of a strong and enduring relationship between

conservationists and Shelburne Bay's traditional owners, the Wuthathi people. For them, the dune fields of Shelburne Bay are a place of great cultural significance. For thousands of years, the Wuthathi had called the Shelburne region home and enjoyed a good life based on the bountiful marine resources of the bay. According to them, the massive white sand dunes were created when a legendary giant manta ray was washed ashore in ancient times. To the Wuthathi, the existence of the pure white sand dunes represented the white underbelly of the beached giant manta ray. Even today, large manta rays continue to prowl the shallows of Shelburne Bay.

Although the Wuthathi were forcibly removed from their homelands in the early 20th century, they have continued to fight to return to their traditional lands and care for their country once again. In October 1997, they registered a native title claim over the Shelburne Bay region, including the dune fields. The environmental significance of the Shelburne Bay region has been well documented in a number of scientific reports as early as 1976 when a major report commissioned by the ACF concluded that the area should be protected as a national park. This was followed by an Australian Heritage Commission report in 1995 and listing on the Commonwealth register of the national estate. More recently, the values of Shelburne Bay were documented in the report by the state government's Environmental Protection Agency by Brendan Mackay, Professor Henry Nix and my friend Peter Hitchcock, who is the ex-director of the Wet Tropics Management Authority in Cairns titled *The natural heritage significance of Cape York Peninsula*.

It is hard to express in words the magnificent natural wilderness landscape that is Shelburne Bay. Blinding white dunes like snowfields tower as high as 100 metres with numerous lakes and sand blows. These dune fields, along with ancient hoop pine dominated rainforests, heaths and diverse wetlands are amongst the best and least disturbed examples of their kind in the world.

The EIS statement prepared for Shelburne Silica Pty Ltd in 1986 in support of the mining lease application, while documenting the amazing natural values of the region, said in addressing the non-development option in this document—

It should be noted that most dunes are moving in a north-westerly direction at an average rate of 6-9 metres/year enveloping the closed forest in their path. Those dunes close to shore will eventually either blow themselves out or spill into Shelburne Bay, and in either case, be lost as a resource.

In other words, unless the area is mined the sand will just be wasted—testament, I thought, to outdated community values. Sadly, these values are in fact alive and well in the One Nation party, as confirmed by the contribution yesterday of the member for Tablelands, who believes that mining should have proceeded at Shelburne. If the House divides on this bill, the member may well again find herself sitting alone in opposition, as she was when this House debated the bill of the member for Nicklin relating to safeguards for doctors involved in palliative care. I cannot believe that everyone in the Tablelands electorate will want to see the magnificent Shelburne sand dunes mined, but I guess that is democracy in action and the member has a right to express those views.

The usual claims of potential jobs lost were also made in the EIS—all 15 to 20 of them at the operational stage of the mine, which it claimed would endow benefits on the community which far exceed any detriments. As we know, based on the experience of World Heritage listing of our tropical rainforest, greater long-term benefits will flow from the preservation of the social and economic values of Shelburne Bay than the \$2.5 million to \$4 million estimated annual income from mining which would have destroyed its natural values forever.

While the campaign against sandmining in the 1980s was successful and, incidentally, was a catalyst for my conservation activism and subsequent political career, along with the bulldozing of the road through the Daintree rainforest, nothing was more important to me back then than removing the Bjelke-Petersen government that was raping the environment in Queensland. But that was not the end of the threats to Shelburne Bay because of the remaining mining leases that are the subject of this bill.

The conservation movement began its campaign last year to ensure that the remaining two mining leases were not renewed by the government. In fact, it was in Cairns in October last year that representatives from the Wilderness Society, including Alec Marr, met with Arnold Wallis from the Wuthathi Tribal Council and Don Henry from the ACF to discuss the looming expiry of the sandmining leases. It was decided then that a 100-day campaign would be initiated to convince the government not to renew the leases. I must congratulate all those involved in the successful campaign, in particular my long-time friend Don Henry, Lyndon Schneiders of the Wilderness Society in Brisbane and Arnold Wallace on behalf of traditional owners. I was happy to play my role in lobbying Minister Stephen Robertson. I always had faith in the minister to make the right decision, but I also knew that it had to be done in the right way, as it is being done today through this legislation.

I welcome the support of the National Party for this legislation, demonstrating the progress it has made on at least some environmental issues. To his credit, the Liberal Leader, Bob Quinn, stated his support for the cancellation of these two mining leases in February of this year. I look forward to the

Liberals exercising their influence on the Nationals with respect to the more contentious environmental and natural resources issues facing Queensland, but I am not holding my breath.

I should make mention of the fact that the leases are to be cancelled without compensation, which is quite unusual. However, in this instance there is no likelihood that mining authority or port access would be granted by the state government, nor would the federal government issue a licence for the export of the sand. In those circumstances the mining leases had no economic value, so no compensation is required.

It has been stated that the leaseholder, now deceased, spent money on feasibility studies and reports and therefore his family should be compensated for the cancellation of the leases. But mining is a business with risks, like any other. In this case, the licence-holder would have known the low probability of state and federal government approvals for mining and export being forthcoming. I do not see why we should be asking the taxpayers of Queensland to foot the bill for somebody's poor business decisions. In my view, the government's decision to cancel the leases is demonstrably both well supported and in the public interest. Following the announcement of the Premier that the leases were not to be renewed, Lyndon Schneiders said—

Today is a great day, and the Queensland government must be congratulated for removing the threat of sandmining for all times from the sprawling pure white sand dunes of Shelburne Bay.

I am proud to be part of a government which is serious about protecting our natural heritage and which takes the hard decisions to make it happen. I could have remained a member of a conservation movement, but I joined the ALP and became politically active because at the end of the day it requires a government to take action and pass laws if the environment is to be protected—a government like the Beattie government. I congratulate the minister and the Premier and commend the bill to the House.